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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,088	08/28/2001	Toshiaki Takao	213266US2PCT	3797

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EXAMINER

AFSHAR, KAMRAN

ART UNIT	PAPER NUMBER
2681	11

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/926,088

Applicant(s)

TAKAO ET AL.

Examiner *K.A.*

Kamran Afshar, 703-305-7373

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10-12, 22-26 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 6-9, 13-21, 27-30 and 34-42 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5, 7, 9, 10.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claims 6-9, 13-21, 27-30 & 34-42 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims 6-9, 13-21, 27-30, 34-42. See MPEP § 608.01(n). Accordingly, the claims 6-9, 13-21, 27-30, 34-4 have not been further treated on the merits.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 22-26, are rejected under 35 U.S.C. 102(b) as being anticipated by MacNamee (U.S. Patent 5,212,684).

With respect to claims 1-2, 22-23, MacNamee discloses a handover control method that switches a radio base station (See e.g. BS1-B4 of Fig. 1) serving as a communicating counterpart of a mobile

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station (See e.g. 14 of Fig. 1) comprising: detecting whether any of mobile stations communicating with the radio base station become incapable (See e.g. Co. 6, Line 66 – Co. 7, Line 6, Co. 10, Lines 32-44) of communicating while a predetermined minimum bandwidth secured (See e.g. Co. 2, Lines 33-43); and switching the communicating counterpart of the mobile station that communicates with radio base station from radio base station to another radio base station (See e.g. See e.g. Co. 10, Lines 45-58).

Regarding claim 3, 24, MacNamee discloses a radio base station (See e.g. BS1-B4 of Fig. 1) whose electric field intensity (See e.g. Co. 8, Lines 10-14) was the strongest and a mobile station that measured (See e.g. Co. Co. 6, Line 66 – Co. 7, Line 6) it are selected as the mobile station (See e.g. 14 of Fig. 1) as the object of the handover and the radio base station (See e.g. BS1-B4 of Fig. 1) serving as the communicating counterpart thereof, excepting a set of the mobile station and the radio base station under current communication, based on electric field intensity information about the radio base stations obtained from each mobile station (See Co. 10, Lines 45-58).

Regarding claim 4, 25, MacNamee discloses a mobile station (See e.g. 14 of Fig. 1) to which allocation of radio resources is the nearest (See e.g. Co. 2, Lines 33-43) to the minimum bandwidth (See e.g. Co. 6, Lines 27-52) and a radio base station which has the most radio resources available are selected as the mobile station and the radio base station for the handover object (See e.g. Co. 11, Lines 32-47).

Regarding claim 5, 26, MacNamee discloses a mobile station (See e.g. 14 of Fig. 1) that requires the radio resources in the highest (See e.g. Co. 2, Lines 33-43) value of the minimum bandwidth See e.g. Co. 6, Lines 27-52) and a radio base station in which the radio resources are available the most are selected as the mobile station and the radio base station for the handover object (See e.g. Co. 11, Lines 32-47).

4. Claims 1-2, 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Almgren (U.S. Patent 6,212,384 B1).

With respect to claims 1-2, 22-23, Almgren discloses a handover control method that switches a radio base station serving as a communicating counterpart of a mobile station (See e.g. Figs. 2-8) comprising: detecting whether any of mobile stations (See e.g. Co. 1, Lines 35-47) communicating with

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the radio base station become incapable of communicating while a predetermined minimum bandwidth secured (See e.g. Co. 3, Line 15-30); and switching the communicating counterpart of the mobile station that communicates with said radio base station from said radio base station to another radio base station (See e.g. Co. 7, Lines 48 & flow chart of Fig. 8).

5. Claims 10-12, 31-³³_A are rejected under 35 U.S.C. 102(e) as being anticipated by Widegren (U.S. Patent 6,374,112 B1).

With respect to claims 10, 31-33 Widegren discloses a handover control method which switches a radio base station which serves as the communicating counterpart of a mobile station (See e.g. Figs. 2-8), comprising: deciding as to whether communication of a radio base station will be in a traffic congestion condition; selecting a combination of a mobile station (See e.g. 30 of Fig. 1) that communicates with radio base station and one or more radio base stations (See e.g. 28s of Fig. 1) with which mobile station can communicate according to a predetermined standard (i.e. GSM, WCDMA, See e.g. Co. 2, Lines 45) when the decision is made that the communication of the radio base station will become congested (See Co. 3, Lines 44-54, Flow chart of Fig. 6, Co. 12, Lines 56) ; and switching (See e.g. Co. 4, Lines 26-34) the communicating counterpart of the mobile station in the selected combination to one or more radio base stations in the combination (See e.g. Co. 11, Lines 31-41).

Regarding claim 11, 32, Widegren discloses the predetermined standard for selecting a combination of mobile station and a radio base station is defined (i.e. GSM, WCDMA, See e.g. Co. 2, Lines 45) based upon an available amount (See Co. 10, Lines 37-40, Lines 52-55) of radio resources of a radio base station or an amount of the radio resources required (Co. 10, Line 64 – Co. 11, Line 12).

Regarding claim 12, 33, Widegren discloses selecting the combination of mobile station and a radio base station is defined based upon receiving electric field intensity of the communication between the mobile station and the radio base station (See e.g. Co. 12, Lines 13-26).

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kamran Afshar whose telephone number is (703) 305-7373. The examiner can be reached on Monday-Friday.

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If attempts to reach the examiner by the telephone are unsuccessful, the examiner's supervisor, Gary, Erika A. can be reached @ (703) 308-0123. The fax number for the organization where this application or proceeding is assigned is (703) 872-9306 for all communications.

K.A.

Kamran Afshar

Erika A. Gary
ERIKA GARY
PATENT EXAMINER